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'Everybody asks, why did they keep her?'

CHEMIST

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Gilchrist, who has declined to comment about the continuing investigations, provided the critical evidence to bolster that identification. She testified in court that she had collected scalp hairs, pubic hairs and semen samples from inside the apartment and, after analyzing them under a microscope, had matched them to Pierce.

Her role in the case infuriated Pierce's lawyers. They argued to no avail on appeal that she had overstated the certainty with which hair comparisons can be used to identify a single person. Also, she violated a court order by failing to forward any of the hair evidence to a private lab hired by the defence, meaning the defence could not fully analyze her work before trial.

The evidence she did send leaked out of the package and could not be analyzed, defence lawyers said. The state appeals court said her action "absolutely violated the terms of a Court Order" but, nonetheless, upheld the conviction.

Pierce's trial came not long before Gilchrist's work began coming under criticism from her peers, defence lawyers and judges. She was reprimanded by one professional organization and expelled from another. Despite the criticism, local police and prosecutors never scrutinized her work.

LIFE COLLAPSED

For Pierce, his conviction collapsed the framework of his life. He and his wife, now Kathy Wahl, had recently given birth to twin sons, but after a few painful prison visits, the couple decided to divorce.

Wahl's birthday was the same day that the rape occurred, and Pierce bought her diamond earrings on a shopping trip that day with two co-workers. This was his alibi in the trial, but the jury was not swayed.

Wahl, who said she sold the earrings to help pay for her move to Michigan, remarried but then divorced again seven years ago. She works two jobs and said her sons seemed to know not to ask about their father. They were never told that he was in prison, she said.

"I just told the boys, 'Don't ever let anyone ever tell you that you don't have a dad,'" she said in a telephone interview. "He loves you just as much as I do, but he can't see you right now."

As for the mutual decision to divorce, she added: "Jeff and I have beautiful kids, and I know that Jeff would not have wanted them to see their dad in a prison environment."

Pierce's brother, Gary, became his primary link to the outside world. He occasionally brought pictures of his sons sent by their mother in Florida. In October 1987, Gary Pierce mailed a three-page, typed letter to media outlets across Oklahoma and the nation, detailing his brother's case and pleading for help.

"I have a very strong feeling that this is not the first time, nor will it be the last, that Joyce Gilchrist helps to put an innocent man in jail or even worse, to death," he wrote. He did not get a single response.

Inside the state prison that had become his home, Jeffry Pierce met an inmate who gave him advice on how to survive in a world inhabited by convicted killers: get strong and keep to yourself. He went to the weight room. "He has told me stories about a guy who got stabbed, a guy who got gang raped, a guy who died in the cell," said Gary Pierce.

KEY BREAK

The key break in Pierce's case came late last year when, under a new state law, the Oklahoma Indigent Defence System won approval to submit the forensic evidence in the case for independent DNA testing, something Pierce's lawyers had sought for years.

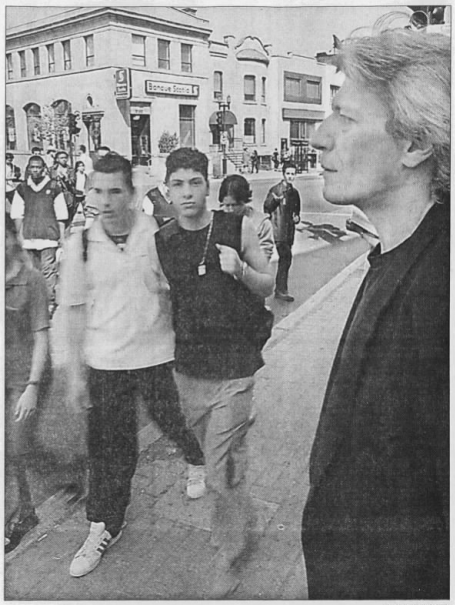
Last month, the preliminary results showed Pierce was not the rapist. And an FBI analysis of the hair samples rebutted Gilchrist's original hair testimony. Gilchrist, who had been a supervisor in the lab, was placed on administrative leave in March.

Gary Pierce, who has blamed his brother's travails not only Gilchrist, but also on the office of Oklahoma County District Attorney Robert Macy, said he hopes that the entire criminal-justice system in Oklahoma City is scrutinized as a result of the controversy. Officials in Macy's office have defended the actions of prosecutors and denied accusations that they encouraged Gilchrist to sharpen her testimony to win convictions.

"Everybody asks me, 'Why did they keep her?'" Gary Pierce said. "She got convictions. They didn't care about the methods she used."

The plans are not finalized but Wahl said her sons would meet their father soon. Three weeks ago, after she learned that the preliminary DNA report had proved Pierce's innocence, she told her sons about their father.

"They are excited but sad to think this could have happened to Jeff and them," she said. "They've been robbed for 15 years of a wonderful person."



RICHARD ARLESS JR., GAZETTE

Juan Rodriguez checks out the new complexion of the city on Park Ave. He wishes his formative years were now.

Winter: a state of mind

We know each other intimately by commiserating as we negotiate icy streets

SPRING

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Maybe it's got to do with watching Beavis and Butthead in subtitles on Musique Plus, or listening to hip-hop with Parisian and North African strains.

Maybe it's from watching Omerta, which is really The Godfather as reported by Le Journal de Montreal. Maybe it's a taste for exoticism born of a wintry shroud, flowering from hip posters Jean Leloup, Kid Koala and Bran Van 3000.

It's not pure laine, but language clearly matters.

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I'm envious, wishing my formative years were now. In the 1950s and 1960s, growing up in the Snowdon area, there was no "need" to speak French. My relationship with the other "solitude" was by proxy: les glorieux – Richard, Beliveau, Plante, Geoffrion – and Les Plouffs (fractured English version, of course). I escaped high school with the minimum passing grade in French, which I forgot the next day.

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Still, I knew there was something very different about Montreal in comparison with, say, arch-rival Toronto. Stereotypes came early, and they've stuck. Toronto the good, Montreal the wild and woolly. We had the Flying Frenchmen, they had crew-cut Tim Horton. We wore soul on our sleeves, they – well, Toronto was the place to make money, Montreal was where you enjoyed life.

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If capital started moving west even before those few separatist bombs exploded, then Expo 67 – our home-grown summer of love – was our illusionary last hurrah. A "good taste Disneyland," reported Mordecai Richler, returning from Britain.

Still, if you hung out at the raucous Cuban pavilion, you got your fill of "world beat" 20 years before it became cool. This sort of cultural soothsaying still permeates Montreal, and it comes from the city's position as a lone French-speaking metropolis stuck in the northeastern corner of the hemisphere. You might say our taste for the "exotique" is an illusionary glimmer of spring.

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While Bobby Gimby chirped Ca-na-da ad nauseam – "One little, two little, three Canadians" – we basked in the sight of our sophisticated Genevieve Bujold starring opposite Yves Montand in the existential art film La Guerre est Finie. The quintessential modern Montrealer, Pierre Elliott Trudeau, was a juiced-up Jesuit in mod threads who elicited teenaged screams as if he was a Beatle. He was like no other politician, and he was ours.

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If Trudeau had navigated the Yangtze on a raft, no one knew exactly where René Lévesque was taking us. Trudeau vs. Lévesque: our tightly wrought yin-yang. I'll never forget the cliff-hanging frissons of uncertainty I shared with Michel Pagliaro on Nov. 15, 1976, riveted to the Forum stats board flashing election results instead of the game against the St. Louis Blues. Pag's hit song J'entends Frapper took on double meaning. Result?

Major-league hangover. And no spring in sight.

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The political "uncertainty" in Montreal is like our nuclear winter, part of the landscape. Becoming seduced by, and sick of, politics helps while away the hours during the interminable deep freeze.

Winter is Montreal's state of mind. We know each other intimately just by silently commiserating with one another grimly negotiating icy streets. We hunker down in bars, brasseries, tavernes, cafés – watering holes as bunkers – where we furtively gossip about Montrealers doing the same thing.

As citizens of the world's largest village, our talk is incestuous, whether in bars or on television: The fall of Le Club du Hockey Canadien, the global (and maternal) triumphs of Céline Dion, the chicaneries over Yves Michaud, L'hiver du Force, as Bejean Ducharme titled his 1973 book.

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And so winter informs the short, sweltering summer when we abandon ourselves to various states of undress. Were this city-scene not so drop-dead sexy, it would be pathetic: get it while you can! (Throw a couple of tables and chairs on the sidewalk – voila, an outdoor café!)

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Naturally, we're thin-skinned when journalists from the outside world report on our squabbles (a "psychic Beirut," sniffed Harper's), misinterpreting the foibles we claim make us unique if not great. The personal is the political: safely ensconced in sunny Berkeley, I was livid when Richler aired our soiled underwear in The New Yorker in 1985.

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Yet the attention flatters our snowed-in spirits. In 1987, the venerable Metropolitan News offered free photocopies of the Boston Globe's expose on us, as a public service. Plus ça change ... Back in the 1950s, I knew we were big-time when Ed Sullivan introduced Jean Beliveau in the studio audience – "Gene Beliyveau" – and prefaced the phone book by extolling the "Paris of North America."

I swelled with pride when David Letterman asked New York Times food critic Craig Claiborne to name Manhattan's best pastrami and he answered emphatically, "It's in Montreal, where they call it smoked meat."

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Likewise, our so-called "decline" has us clutching at straws, trumpeting factoids. Among world's top 10 biotechnology and high-tech centres. Eastern seaboard's busiest container-shipping port. Headquarters for world's leading producer of regional and corporate jets (Bombardier), and biggest printing company (Quebecor). Two of top five computer-software special-effects companies (Softimage and Discreet Logic). Cause-croutes help give us North America's most restaurants after New York City. World's biggest jazz festival and Asian fantasy-film fest.

We're a tango town, too, right up there with San Francisco. And how 'bout the Cirque du Soleil?

Hey, maybe we're not such has-beens after all.

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Try telling that to a Torontonian. I ducked in to TO recently to interview a cool-hunter whose office was near trendy Queen St., which he blithely informed me was "the style capital of Canada." I didn't have the heart to tell him that Montrealers spend more on fashion than other Canadians, boasting the highest density of design students.

Clothes to keep us stylish in winter, clothes to bare all at the slightest sign of spring.

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I chuckle at the kitschy lipstick logo and slogan for tourist ads in American publications: "Montreal: Where Two Kisses Are Better Than One." Oh sister, cor ose! And yet ...

So, yes, I feel protective toward the hopeless idiosyncrasies of my home town. The planet's second-largest French-speaking city, centre of the universe for a francophone citizenry that makes up a mere 2 per cent of North America's population: this geographical fact breeds peculiar neuroses.

Montreal is both inward and outward-looking by necessity. Like winter, language always demands our attention.

Of course, things get schizo. It's a city in which the former head of the Office de la Langue Française goes to an anglophone bookstore to listen to a local Pakistani poet read his works in French.

The divine human comedy: An anglo parlez-vouing to a francophone speaking in English. The mantra: "I need to practice."

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A no-pressure spring night: The 80 bus driver announces St. Viateur as "Rue des bagels – ouvert 24 heures par jour." I am home.

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